

**Remarks**

At the time of the Office Action claims 1-20 were pending. Claims 1-7, 12-13, 15-18 and 20 stand rejected under 35 U.S.C. §102. Claims 8-11, 14 and 19 stand rejected under 35 U.S.C. §103.

First, the drawings were objected to in the previous Office Action. To overcome the objection, replacement drawings were submitted with the Applicants' previous response. Since the present Office Action no longer objects to the drawings, the Applicants presume that the replacement drawings were accepted. Nevertheless, the Applicants respectfully request that the Office positively indicate acceptance of the replacement drawings on the record, for example by marking box 10 of the Office Action Summary (PTOL-326 form) in the next Office Action.

Next, the Office Action indicates that claims 1-7, 12-13, 15-18 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,946,817 to Fischer et al. (hereinafter Fischer). Since Fischer does not have a publication date (March 20, 2003) or an issue date (September 20, 2005) that is more than one year before the priority date of the present application (June 3, 2003), it is clear that Fischer is not a statutory bar. Accordingly, the Applicants believe that claims 1-7, 12-13, 15-18 and 20 are rejected under 35 U.S.C. §102(e), which is consistent with the application of Fischer in the previous Office Action.

Turning now to the rejection of claim 1, the Office Action analogizes the microprocessor of Fischer (i.e., element 20 shown in FIGS. 1, 3 and 5) as the control portion recited in claim 1. Furthermore, the Office Action alleges that Fischer's microprocessor generates "charge control signals corresponding to a battery selected according to a battery selection signal that is externally input." The Applicants disagree with the Office Action's allegation and traverse the rejection of claim 1. As explained in the Applicants' response to the previous Office Action, the particular charge control signals generated by the control portion correspond to a battery, which is installed in the portable electronic device, identified by the battery selection signal. In this way, various devices of the present invention are capable of charging different batteries (e.g., lithium-ion, nickel metal hydride, nickel cadmium, etc.) used with the portable electronic devices. In contrast to the Applicants' recited apparatus, which can charge various different battery types, Fischer does not disclose, teach or suggest the claimed feature identified above where the charge control signals correspond to a battery selected according to a battery selection signal. Instead, it appears that Fischer does not use a battery

selection signal, but instead merely supplies one charging voltage: “The voltage regulator 412 is preferably a low drop-out (LDO) regulator configured to supply a substantially constant voltage, such as about 3.3 Volts.” Thus, because the Fischer system can be used to charge only one type of battery, it is understood that Fischer does not utilize a battery selection signal. For at least this reason Applicants submit that claim 1 distinguishes over the cited art of record and is allowable.

Nevertheless, to recite the Applicants’ apparatus of claim 1 more distinctly, the Applicants have amended the preamble of claim 1 to recite that the portable electronic device includes a controller controlling operation of the portable electronic device (see, for example, element 78 shown in FIG. 3 of the present application). Furthermore, claim 1 is amended to clarify that the control portion is electrically connected with the controller, the control portion generating charge control signals according to a battery selection signal that is output from the controller. Accordingly, it can be appreciated that the recited controller in the preamble of claim 1 is analogous to the microprocessor 20 and not the control portion. Since the charging subsystem 16 of Fischer has been analogized to the Applicants’ charging portion, it is unclear what feature in Fischer can be considered analogous to the Applicants’ control portion. To this end, the Applicants submit that Fischer cannot anticipate claim 1.

However, even if for argument’s sake the Office were to somehow find a feature in Fischer that was analogous to the control portion, the Applicants point out that claim 1 is further amended (e.g., according to FIGS. 4 and 5 and page 7, lines 1-6 of the present application) to recite “a transistor externally connected to the charging portion, the transistor and the charging portion cooperating to charge the battery according to the charge control signals generated by the control portion.” Although Fischer shows a transistor (element 404 shown in FIG. 5), this transistor is an internal part of the charging subsystem 16 and is not externally connected to the charging portion as claim 1 recites. In view of the foregoing, it is submitted that claim 1 as amended distinguishes over Fischer. Furthermore, it is submitted that the remaining cited art of record, when taken alone or in combination with Fischer, cannot anticipate or render obvious claim 1 as amended. To this end, the Applicants submit that claim 1 and its dependent claims (nos. 2-7) are allowable over the cited art of record.

Claim 8 has been amended in a manner generally consistent with claim 1. Since the combination of Fischer, Sherman and Misawa do not show, disclose or suggest a digital camera with a digital camera controller and USB charger that includes *inter alia* a control portion, a charging portion and a transistor externally connected to the charging portion,

wherein the transistor and the charging portion cooperate to charge the battery according to the charge control signals generated by the control portion, the Applicants submit that the combination of applied references cannot render obvious claim 8.

Nevertheless, claim 8 is further amended to recite “a battery recognition apparatus that distinguishes the battery from a plurality of batteries installable in the digital camera” according to page 4, lines 29-32 of the present application. Since the applied art references do not show, disclose or suggest the recited battery recognition apparatus, which cooperates with the control portion, the Applicants submit that claim 8 is allowable. To this end, the Applicants submit that claim 8 and its dependent claims (nos. 9-11) are allowable over the cited art of record.

Turning now to the rejection of claim 12, the Applicants respectfully submit that the Office Action’s reading of Fischer onto the features of claim 12 is specious. In particular, the Applicants submit that the Office Action’s reading of Fischer onto the features of claim 12 is faulty because the Office Action interprets charging system 16 to be the Applicants’ USB battery charger, with a port at charging subsystem 16 being the Applicants’ second connector. According to this interpretation, the charging subsystem 16 is configured in a port of the charging subsystem 16 to meet the language recited in the recited USB battery charger feature. Since this interpretation is totally nonsensical, the Applicants traverse this rejection.

Nevertheless, claim 12 is amended to more particularly and distinctly recite the Applicants’ apparatus as a USB cable. Although a USB cable may be one type of serial cable for connecting Fischer’s portable electronic device to a computer, the Applicants submit that Fischer does not disclose, teach or suggest the features of the Applicants’ USB cable. In particular, the Applicants submit that the cited art of record does not disclose, teach or suggest a USB battery charger enclosed within the second connector (i.e., a USB plug that mates with a USB receptacle or jack). Furthermore, as claimed, the USB battery charger includes “a charging portion that communicates with the device controller for receiving at least one signal relative to the battery, the charging portion adjusting power received from the USB receptacle relative to the at least one signal for charging the battery.” Since none of the cited art references of record disclose, show or suggest the Applicants’ claimed USB cable, it is submitted that claim 12 is allowable. Moreover, claims 13-20 that depend directly or indirectly from claim 12 are submitted to be allowable as well.

In re Appln. of Lee et al.  
Application No. 10/771,669  
Response to Office Action of September 27, 2007

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

/brian c. rupp/

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